

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Richard A. Adams

SUMMONS IN A CIVIL ACTION

V.

IBM Personal Pension Plan, et al.

CASE NUMBER: 07-\_\_\_\_\_

07 CIV 6984

JUDGE RAKOFF

TO: (Name and address of Defendant)

Kenneth J. Morrissey, Plan Administrator, IBM Personal Pension Plan  
MD 261  
New Orchard Road, Armonk, NY 10504

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Eli Gottesdiener  
Gottesdiener Law Firm, PLLC  
498 7th Street  
Brooklyn, NY 11215  
(718) 788-1500

an answer to the complaint which is served on you with this summons, within 20 (twenty) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

AUG 03 2007

CLERK

*Manos Quintero*

DATE

(By) DEPUTY CLERK

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE <u>8/7/07 @ 2:37pm</u>	
NAME OF SERVER (PRINT) <u>Shirley Beyer</u>	TITLE Process server	
<i>Check one box below to indicate appropriate method of service</i>		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>Served on: Terri McGinnis</u> <div style="display: flex; justify-content: space-between;"> <div><u>[IBM Personal Pension Plan]</u></div> <div><u>Legal Dept</u></div> </div> <div>New Orchard Road, Armonk, NY 10504</div>		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p>Executed on <u>8/8/07</u> Date</p> </div> <div style="width: 45%;"> <p><u>Shirley Beyer</u> Signature of Server</p> </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p><u>Ellen Oakley</u> ELLEN OAKLEY Notary Public, State of New York No. 01EA6085089 Qualified in Westchester County Commission Expires Sept. 29, <u>2009</u></p> </div> <div style="width: 45%;"> <p><u>White Plains NY</u> Address of Server</p> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.